DOCUMENT RESUME

ED 401 388 CE 072 865

TITLE Selective Service Presents a Teacher's Guide. Information Important to Pupils [Pupae] of the High School Species.
INSTITUTION Selective Service System, Arlington, VA.
PUB DATE [96]
NOTE 48p.; On the cover, "Pupae" is crossed out and "Pupils" is inserted.
PUB TYPE Guides - Classroom Use - Teaching Guides (For Teacher) (052)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Career Education; *Federal Legislation; *Federal Programs; High Schools; *Military Service; Program Implementation
IDENTIFIERS *Selective Service

ABSTRACT

This guide is designed to help teachers prepare lessons about the purpose, history, organization, and functions of the selective service system. The following topics are covered in the guide's seven sections: the selective service system today; history of conscription in the United States; history of the selective service system; organization and functions of the selective service system; selective service classification; duties and responsibilities of local and appeal boards; and the selective service claim and appeal process. Each section includes background information, a summary of important teaching points, and several commonly asked questions and their answers. Contains a glossary and 27 references. (MN)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED 401 388

Selective Service presents

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

# A Teacher's Guide

Information important to ~~pupae~~ *pupils* of the high school species.

BEST COPY AVAILABLE

Selective Service System
National Headquarters, Arlington, VA 22209-2425

# A Message To The Teacher:

I am pleased to send you this copy of the Selective Service System *Teacher's Guide* with the hope that its contents will advance the level of information available to students in your school.

The guide is designed to help teachers prepare lessons about the Selective Service System—its purpose, history, organization and functions. The information is designed for male and female students because the guide includes information about women and the draft. For those teachers who wish to devote more than one class period to a study of Selective Service, the remainder of the guide provides information in further detail.

Registration is a vital part of our national preparedness system. For men required to register, it is also a prerequisite for Federal student loans, job training programs, U.S. citizenship, and appointment to most Federal jobs. Every young man needs to know about the registration requirement, but he also needs to understand the background of Selective Service and why he is registering.

The Selective Service System has improved substantially its ability to draft men fairly and equitably since the Vietnam era. If a draft were held today the number of deferments and exemptions would be few. Nearly 11,000 trained Local and Appeal Board members are in place to decide exemptions or deferments based on conscientious objection, hardship, or ministerial practice or study.

Thank you for teaching your students about the Selective Service System.

Sincerely,

Gil Coronado
Director

# Table of Contents


I. The Selective Service System Today ..... 2

II. The History of Conscription in the United States ..... 10

III. The History of the Selective Service System ..... 16

IV. Organization and Functions of the Selective Service System ..... 21

V. Selective Service Classification ..... 26

VI. Local and Appeal Boards - Duties and Responsibilities ..... 32

VII. Selective Service Claim and Appeal Process ..... 36

Glossary ..... 41

Sources and Additional Reading ..... 43

# The Selective Service System Today

"...it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who... is between the ages of eighteen and twenty six, to present himself for and submit to registration...."

[Section 3(a), Military Selective Service Act]

## BACKGROUND

The Selective Service System is an independent agency within the Executive Branch of the Federal Government. The Director of Selective Service is appointed by the President and confirmed by the Senate.

The legislation under which this Agency operates is the Military Selective Service Act (Title 50 U.S. Code, Appendix 451-471). Under this law, the mission of the Selective Service System is twofold: to deliver manpower to the Armed Forces in time of emergency in accordance with requirements established by the Department of Defense, and to administer an Alternative Service Program for conscientious objectors.

Authority for the President to induct men into the armed forces expired in 1973, and no one has been drafted since that time. The draft can be reinstituted only after the Military Selective Service Act is amended by Congress.

Even though no one is being drafted, men are required to register with Selective Service when they reach age 18. Peacetime registration provides a list of names and addresses of men who might be called upon if a return to the draft is authorized, but registration does not imply that a return to the draft is imminent.

## WHO MUST REGISTER

Section 3 of the Military Selective Service Act states that male U.S. citizens and male aliens residing in the United States, who are between the ages of 18 and 26, are required to register in a manner prescribed by proclamation of the President. There are some exceptions to this requirement, and those are described in the paragraphs that follow. The proclamation under which registration is required was signed on July 2, 1980. It provides that men born on or after January 1, 1960, must register with Selective Service within 30 days of their 18th birthday.

A man is exempt from registering while he is on full-time active duty in the U.S. Armed Forces. Cadets and midshipmen at the service academies are included in the exemption.

Members of the National Guard and Reserve forces not on full-time active duty must register. When a man is released from active duty he must register at that time, unless he has reached age 26 or is already registered.

Lawfully admitted nonimmigrant aliens—for example, those on visitor or student visas and members of diplomatic or trade missions and their families—are not required to register. Alien parolees and refugees, and aliens illegally residing in this country, must register.

Those who are unable to register on schedule due to circumstances beyond their control—for example, those who are hospitalized, institutionalized or incarcerated—do not have to register until they are released. After release, if they are under age 26, they have 30 days in which to register. Disabled men who live at home must register if they are reasonably able to leave the home and go into a public place. A friend or relative may help a disabled person fill out the form if he is unable to do so by himself.

Men *cannot* register after reaching age 26.

*Many high schools have a faculty member designated as a Selective Service registrar who helps students to register.*

## THE REGISTRATION PROCESS

Young men have several straightforward methods to register at their disposal. The primary method of registering is at any conveniently located U.S. Post Office where he simply fills out a form by providing his name, address, date of birth, telephone number and Social Security account number. He signs the form in front of a clerk and shows some form of identification, such as a driver's license or birth certificate. The clerk sends the form to Selective Service where the information is put on file in a central computer. Men do not get a receipt at the post office, however, an acknowledgment of registration is mailed to the young man within four to six weeks.

Another principle method of registering is by completing a registration reminder postcard a young man may receive in the mail shortly before his 18th birthday. He simply completes, signs, and mails back the postcard to Selective Service for processing. In addition to these two methods of registering, a young man may also register by way of several other methods such as at one of the many high schools participating in Selective Service's registrar program, at any U.S. Embassy or Consular Office, by agreeing to be registered when completing a Federal student financial aid application, or when applying for entry into a Federal job training program. In 1996, about half the Nation's high schools have a faculty member designated as a Selective Service registrar, so it is possible to register in these schools. The registration process is not complete until the man receives a written Acknowledgment from the Selective Service System. This registration record will include his Selective Service number and it will be mailed to the registrant four to six weeks after he registers. The Acknowledgment is an important document and should be retained by the registrant. Once a man has registered, his only responsibility is to notify Selective Service within 10 days of any changes to his address or other information in his registration record. After January 1 of the year in which he will reach age 26, a registrant is no longer

required to notify Selective Service of changes to his registration record.

## PENALTIES

At this time, a man's only duty under the Military Selective Service Act is to register when required and subsequently to notify Selective Service within ten days of any changes in the information he provided on his registration form.

Failure to register or otherwise comply with the Military Selective Service Act is, upon conviction, punishable by a fine of up to $250,000, imprisonment for up to five years, or both. A person who knowingly counsels, aids or abets another to fail to comply with the Act is subject to the same penalties.

*Some states deny young men state education funds if they have not registered, others require payment of out of state tuition or deny entry into state colleges or universities to students who have not registered.*

## STUDENT AID

Section 12(f) of the Military Selective Service Act, also known as the Solomon Amendment, provides that men who are required to register with Selective Service, and fail to do so, are ineligible for financial aid under Title IV of the Higher Education Act of 1965. The categories of aid covered by the Solomon Amendment include Pell Grants, Supplemental Education Opportunity Grants, Federal College Work-Study, Federal Perkins loans, Federal Family Education loans, and Federal Direct Student loans. Men may also register with Selective Service when they complete the Federal Student Financial Aid Form by checking a box on the form indicating they want to register.

An agreement between Selective Service and the U.S. Department of Education (DOE) was signed in December 1985. It stipulates that applicants for Title IV student aid who are of registration age must sign a Statement of Compliance certifying that they are registered or that they are exempt from registration. In 1990, another agreement between SSS and DOE became effective to begin an electronic exchange of student aid applicant records. Under this agreement, DOE provides Selective Service with names of student financial aid applicants. The names are matched against Selective Service registration files to verify registration status, and non-registrants who have checked the "Register Me" box are automatically registered.

Since the passage of the Solomon Amendment, several states have enacted similar legislation. Some deny young men state education funds if they have not registered, others require payment of out of state tuition or deny entry into state colleges or universities to male students who have not registered.

## JOB TRAINING BENEFITS

The Job Training Partnership Act (JTPA), which became effective on October 13, 1982, contains a provision which requires that male program participants be registered with Selective Service to receive job training benefits. This requirement became effective in October 1983.

The JTPA develops a partnership between the Federal and state governments and the private sector in establishing programs to prepare youth and unskilled adults for entry into the labor market through specific job training.

## FEDERAL EMPLOYMENT

Title 5, U.S. Code 3328, also known as the Thurmond Amendment to the Fiscal Year 1986 Department of Defense Authorization Act, prohibits a young man who is required to register from being appointed to a position in the Executive Branch of the Federal Government unless he has registered.

The Office of Personnel Management administers this requirement.

## OTHER CONSEQUENCES

In addition to the Federal programs described above, many states, local government agencies, police departments and state bar examiners are requiring applicants to be in compliance with the registration requirement as a condition of eligibility for employment or state education funds. Such conditions are established by local law and policy and may vary from one part of the country to another. The fact to keep in mind is that a man may be asked whether he is registered even though he is not applying for Federal student aid or job training benefits.

## GOAL

The goal of the Selective Service System is registration, not prosecution. If a draft is ever needed, it must be as fair as possible. Fairness depends on the completeness of the registration list, so that each man who might be eligible for service would be considered along with everyone else. It would not be fair to those who register if others do not. Every man who fails to register is not only breaking the law, he is directly increasing the likelihood of involuntary service for those who are registered, should the draft resume.

# Who Must Register?

| *Category* | *Need to Register?* |
|---|---|
| All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below | yes |
| **Military-related** | |
| Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes.) | no* |
| Cadets and Midshipmen at Service Academies or Coast Guard Academy | no* |
| Cadets at the Merchant Marine Academy | yes |
| Students in Officer Procurement Programs at The Citadel, North Georgia College, Norwich University, and Virginia Military Insitute | no* |
| National Guardsmen and Reservists not on active duty | yes |
| Delayed Entry Program enlistees | yes |
| ROTC students | yes |
| Separatees from Active Military Service, separated for any reason before age 26 | yes* |
| Men rejected for enlistment for any reason before age 26 | yes |
| Civil Air Patrol members | yes |
| **Aliens**** | |
| Lawful nonimmigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-185, I-186, I-1586, or I-444) | no |
| Permanent resident aliens | yes |
| Special (seasonal) agricultural workers (I-688) | yes |
| Special agricultural workers (I-688A) | no |
| Aliens officially in refugee, parolee, asylum status | yes |
| Undocumented (illegal) aliens | yes |
| Dual national U.S. citizens | yes |
| **Confined** | |
| Incarcerated, or hospitalized or institutalized for medical reasons | no* |
| **Disabled** | |
| Able to function in public with or without assistance | yes |
| Continually confined to a residence, hospital, or institution | no |

* *Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25*

** *Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the U.S. Habitual residence is presumed whenever a national or citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the U.S. for more than one year in any status, except as a student or employee of the government of his homeland.*

# Summary of Important Teaching Points

1. Although no draft is in effect, men are required to register with Selective Service within 30 days of their 18th birthday.

2. Male U.S. citizens and most male aliens residing in the United States are required to register.

3. The current registration requirement applies to men born after December 31, 1959.

4. Men may register at a U.S. post office, or a U..S. Embassy, or consular office. They may also register by mail if they receive a registration reminder postcard in the mail or at high schools participating in the High School Registrar Program.

5. The only information a man provides when he registers is his name, address, date of birth, telephone number and Social Security number.

6. At this time a man's only duty under the Military Selective Service Act is to register when required and subsequently to notify Selective Service within 10 days of any changes in the information he provided on his registration form until he turns 26 years old.

7. Failure to register or otherwise comply with the Military Selective Service Act is a felony punishable by a fine of up to $250,000, imprisonment for up to five years, or both.

8. Federal law requires that applicants for Federal student aid, job training benefits, U.S. citizenship and Federal employment be registered with Selective Service as a condition of eligibility if they are required to register.

9. The purpose of registration is to have a list of names and addresses of men who might be called if it is necessary to reinstate the draft.

# Questions and Answers

1. **Q: What are a man's duties under Selective Service law at this time?**

   *A: A man is required to register with Selective Service within 30 days of his 18th birthday, and also to notify Selective Service within 10 days of any changes in the information he provided on his registration form, until he reaches age 26.*

2. **Q: Which Federal programs make registration compliance a condition of eligibility?**

   *A. Applicants for Title IV Federal student aid, Job Training Partnership Act benefits, U.S. citizenship, and those men seeking employment with the Federal Government who are required to register must be in compliance with the registration requirement.*

3. **Q: What are the legal penalties for failing to register?**

   *A: A person who is convicted of failure to register may be fined up to $250,000, imprisoned for up to five years, or both.*

4. **Q: Who is required to register with Selective Service?**

*A: With very few exceptions, males in the U.S., and U.S. citizens living abroad, must register within 30 days of their 18th birthday.*

5. **Q: How and when does a man register?**

*A: A man fills out a simple registration form at any U.S. post office, or at a U.S. Embassy or consular office if he is a U.S. citizen overseas. A man may also register by mail if he receives a reminder postcard in the mail, or at high schools participating in the High School Registrar Program. The form asks only for his name, address, date of birth, Social Security account number and telephone number.*

BEST COPY AVAILABLE

# II

# The History of Conscription In the United States

"Congress shall have power...
To raise and support armies..."

*[Article 1, Section 8 of the Consitution of the United States)*

Throughout our Nation's history, Federal and state governments have required some form of compulsory military service to meet national emergencies. Conscription in America can be traced historically to colonial times and stems from the old English militia tradition in which every able-bodied free man had an obligation to his country to bear arms in its defense. Harsh living conditions in the colonies and on the frontier required that every man be prepared to defend himself at all times as a matter of self-preservation.

*The constitutionality of a wartime Federal draft was first considered in 1863.*

Many conscription laws were passed in the colonies to meet specific requirements for military service. The militia, in many instances, were restricted to the boundaries of the colonies they served. Service in the militia was the forerunner of service in the present-day National Guard. In colonial times the authority of government to require military service was generally unchallenged. Colonies resorted to conscription only infrequently, and men could avoid military service by getting married, paying a commutation fee, or hiring a substitute.

## FIRST DRAFT LAWS

The Constitution gives the Congress the power to raise and maintain an armed force. The first attempt at a national draft in this country was during the Civil War. In August 1862, President Abraham Lincoln, needed to raise 300,000 troops for nine months service, and he levied quotas on the states. In March 1863, a conscription law was enacted providing for an all-Federal system with quotas of men required for service allotted to Congressional districts. Again, the options of commutation or substitution were permitted. In the South, universal conscription applied after April 1862, but there, too, a wide range of exemptions was allowed.

The constitutionality of a wartime Federal draft was first considered in the case of *Kneedler v. Lane* [45 Pa. St. 238 (1863)]. The Pennsylvania court upheld the Conscription Act of 1863. The court decision recognized the need of both government to wage war, and the individual citizen's obligation to serve his country.

Following the declaration of war in 1917, Congress enacted a comprehensive draft law designed to conscript manpower for the duration of the emergency. This law did not provide the options of commutation and substitution. The law also authorized the President to create local boards of three or more civilians to determine all questions of exemption of registrants within their respective jurisdictions.

The constitutionality of the 1917 Selective Service law was challenged in the Federal courts. The Supreme Court consolidated a number of cases pertaining to this law and decided unanimously to

uphold it in *Ames v. United States* (*Selective Draft Law Cases*), 245 U.S. 366 (1918). The Court noted that Congress was given the power by the Constitution to "raise and support armies," to "declare war," and "to make all laws which shall be necessary and proper to carry into execution the foregoing powers"; thus the Court decided that Congress had the constitutional power to conscript men for the war. After World War I, the draft law expired and was not reinstituted until 1940 when U.S. involvement in another war looked likely.

## ACT OF 1940

The year 1940 marked a significant event in American history. Anticipating involvement with the war in progress in Europe, Congress passed the first peacetime draft law, the Selective Training and Service Act. Again, the constitutionality of the draft law was immediately challenged. But district courts in four major cases [*United States v. Cornell*, 36 F. Supp. 81 (District Court of Idaho 1940); *Stone v. Christensen*, 36 F. Supp. 739 (District Court of Ore. 1940); *United States v. Rappeport*, 36 F. Supp. 915 (District Court Southern District of New York 1941); and *United States v. Garst*, 39 F. Supp. 367 (District Court Eastern District of Pa. 1941)], rejected the argument that a peacetime draft was unconstitutional. (Courts of appeals had taken the same view. The Supreme Court in *Rostker v. Goldberg*, 453 U.S. 57 [1981] assumed the constitutionality of a "peacetime" draft.) Essentially, the courts affirmed that it was unrealistic to construe the Constitution and the *Selective Draft Law Cases* to mean that war must be declared before a draft could be instituted. On the grounds that military necessity required a broader construction of Congress' power under the Constitution, the district courts decided that the power to raise armies by conscription was not dependent upon the power to declare war.

The Selective Training and Service Act of 1940 also established deferments and exemptions. Of the more than 15 million men who served in the armed forces during World War II, approximately two thirds were draftees. Industrial and agricultural production in support of the war and the "home front" were kept at necessary levels through the classification process of deferring men in necessary occupations from military service.

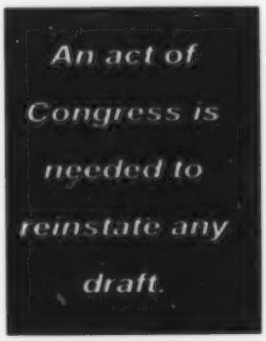
After World War II, President Truman recommended to Congress that Selective Service law be permitted to expire in 1947, with the reservation that if voluntary enlistments for the armed forces proved insufficient, reenactment would be requested. In one year actual military strength fell to 1.4 million from 2 million. Therefore, little more than one year after the 1940 Act expired in 1947, Congress enacted new Selective Service legislation, effective for two years, to ensure that the armed forces were maintained at their authorized strength at all times. Only 30,000 men were inducted under this Act between 1948 and the beginning of the Korean conflict in 1950. During the Korean conflict, however, the draft provided more than 1.5 million of those serving in uniform.

## SELECTIVE SERVICE SYSTEM

The Korean conflict prompted Congress to extend the 1948 Selective Service Act and in 1951 Congress acted to make the Selective Service System a permanent agency of the U.S. Government. These laws were responsible for the evolution of the draft into a permanent part of the military manpower procurement structure.

The basic structure of the draft system remained unchanged through the 1960's. During this period, the Selective Service System continued to register men for the draft and to maintain an available manpower pool, even when the Department of Defense requirement for draftees fell to zero in the spring and summer of 1961. Until 1965, when the United States

involvement in Vietnam rose sharply, there were virtually no debates or opposition to extension of induction authority. With the escalation of the Vietnam War in 1965, manpower needs increased. However, of the 8.8 million who served between July 1, 1964 and June 30, 1973, only 1.8 million were draftees.




The last draft calls were issued in 1972, and the President's authority to conscript men into the armed forces expired on July 1, 1973. The last man inducted entered the Army on June 30, 1973. Since that time, the United States has relied solely on volunteer enlistments for its armed forces.

Registration continued until early 1975 when it was suspended. The requirement for men to register, with no draft in effect, was reinstated in the summer of 1980.

The Military Selective Service Act specifically refers to "male persons" in setting forth who must register and who might be subject to a draft. When President Carter resumed the registration requirement for men to register, he asked Congress to change the law and include women. Congress did not act on his request. Later the Supreme Court in *Rostker v. Goldberg* upheld the constitutionality of a male-only registration.

## WOMEN AND THE DRAFT

It should be noted that the Supreme Court opinion did not prohibit the registration, or potential conscription of women. Rather, the Court considered only whether the registration of males only (and not females) violated the due process clause of the Fifth Amendment. The Court ruled that the Military Selective Service Act's registration provisions did not violate the Fifth Amendment, and that Congress acted "well within its constitutional authority to raise and regulate armies and navies" when it authorized the registration of men and not women.

The requirement of registration to fulfill Department of Defense needs for combat troops was a significant factor in the Court's consideration. Congress determined that registration is a necessary part of the Nation's mobilization capabilities, and that any future draft would be characterized by the need for combat troops. Women, however, are excluded from most combat positions by statute and by military policy. Therefore, the registration of women was deemed unnecessary when registration was reinstituted. Women could become subject to a draft if the nature of a future emergency requires that people with critical skills be drafted for noncombatant roles. For example, if Congress so directs, the Selective Service System would be prepared to register, classify, and process for induction men and women who practice critical health care skills...doctors, nurses, and medical technicians.

It would require an act of Congress to reinstate any draft. During peacetime and short periods of limited conflict, the military services have demonstrated their ability to recruit and retain the manpower they are authorized. However, requirements in a major armed conflict are much greater. The military may not recruit all men needed to fill wartime requirements, nor was it ever intended they be able to do so in an emergency. Therefore, the Selective Service System has remained in place, ready to respond.

# Summary of Important Teaching Points

1. The militia concept brought by the colonists to America was based on the belief that every man had an obligation to his country to bear arms in its defense.

2. The Constitution gives the Federal Government the power to raise and maintain an armed force and to declare war.

3. The general authority to draft men into the armed forces expired in 1973, but registration continued until 1975, when it was suspended. It was reinstated in July 1980.

4. Because Selective Service law refers to "male persons," women are not subject to registration or a possible draft. Congress would have to change the wording of the law in order for women to be registered.

5. It would require an act of Congress to resume the draft.

# Questions and Answers

1. **Q: What is the historical basis for military service in the U.S.?**

   *A: U.S. military service is based on the English militia tradition, in which every able-bodied man was expected to join in the common defense.*

2. **Q: What is the legal basis for conscription in the U.S.?**

   *A: The Constitution of the United States empowers Congress to raise and maintain armed forces. In the occasional challenges to this authority, the courts have upheld the constitutionality of national conscription.*

3. **Q: Is the draft used only in times of armed conflict?**

   *A: In 1940, prior to World War II, Congress passed legislation providing for a peacetime draft. That legislation expired in 1947. However, declining military strengths prompted Congress to enact new legislation which continued the draft until July 1973. Since July 1973, the country has relied solely on volunteer enlistments in the military.*

4. **Q: If the Nation now relies on volunteers for military service, why is registration with Selective Service necessary?**

*A: The volunteer force is satisfactory in peace time and for limited engagements, but it was never intended to stand alone in an emergency. Peace-time registration guarantees the Selective Service System's ability to provide additional manpower quickly and fairly if an emergency makes it necessary to increase the size of the armed forces.*

5. **Q: Why aren't women required to register and be subject to the draft?**

*A: The Military Selective Service Act refers to "male persons" in setting forth who must register. Congress did not act on President Carter's request to change the wording of the law to include women. The Supreme Court has upheld the constitutionality of men-only registration.*

# III

# The History of the Selective Service System

"The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy."

[Section 1(c), Military Selective Service Act]

The militia concept of defense brought by colonists to America was based on the belief that every man had an obligation to his country to bear arms in its defense. Even though the Continental Congress authorized a regular military force during the Revolutionary War, it was unable to induce recruitment for it. After the Civil War started, national conscription did not come about until March 1863. A conscription law was enacted establishing manpower quotas by Congressional District for a Federal armed force. The South had adopted a similar conscription system the previous year.

On both sides, those who could afford it were able to avoid military service by hiring substitutes. In many cases, the money offered to these substitutes was substantially better than the regular pay received by volunteers. This had the effect of creating two classes of soldiers and caused great division among the ranks.

In the North, exemptions from service could be purchased for $300. The South, in turn, allowed many exemptions based on a person's occupation. These included druggists, journalists, lawyers, teachers, and many others.

Following the Civil War, Brigadier General James Oakes, Acting Assistant Provost Marshall General for the State of Illinois, made many recommendations to eliminate critical weaknesses of the Civil War draft system, including a recommendation to have local groups of civilians involved in deciding who would be drafted. This was an important concept implemented in World War I.

## WORLD WAR I DRAFT LAWS

The Oakes Report of 1866 laid the foundation for the World War I draft law which was enacted on May 18, 1917. This law prohibited the hiring of substitutes and created local civilian boards composed of three or more members, "none of whom shall be connected with the Military Establishment." The boards were granted power within their own jurisdic-

tions to determine all cases of exemption from military service. By the end of the war, civilian draft boards in 4,600 communities had registered nearly 14 million men and inducted more than 2.8 million into military service. The draft law expired at the end of the war and the Nation returned to volunteer armed forces.

The first peacetime draft came about with the passage of the Selective Training and Service Act of 1940. The 1940 law followed the basic principles of the World War I draft and resulted in the creation of more than 6,400 Local Boards with responsibility for classifying the men who registered. Directives from Selective Service National Headquarters were provided to :Local Boards to guide them in their decisions; however, these directives were general in nature and each board took local conditions into account as it decided how registrants should be classified.

In 1947, following World War II, the Selective Training and Service Act was allowed to expire. But shortly after the Act expired, President Truman, faced with Soviet aggression in Europe and the failure of voluntary methods to achieve and maintain the required strength of the armed forces, asked for renewal of the draft. Congress responded with new legislation, the Selective Service Act of 1948. The Act provided that men be selected for the draft on a fair and equitable basis consistent with the maintenance of an effective national economy.

*The draft went through a series of reforms during the latter part of the Vietnam conflict. One of these was the abolition of some categories of deferments, particularly student deferments, resulting in fewer reasons to excuse a man from service.*

## SELECTIVE SERVICE ACT—1948

Administration of the draft under this Act was highly decentralized. Local Boards of three or more civilians were established by the President, and appeal boards, also composed of civilians, were created to review appeals of Local Board decisions. Regulations, directives and other guidelines were issued to give general guidance to the boards, but as was the case during World War II, varying interpretations of the guidelines resulted in disparity in treatment of registrants in different parts of the country. This inequity was not seen as a major problem during the Korean conflict and the peacetime draft which followed. It was not until the late 1960s, during the U.S. involvement in Vietnam, that the matter of perceived unequal treatment became a serious concern.

A series of reforms during the latter part of the Vietnam conflict changed the way the draft operated in an effort to reduce a man's uncertainty about his chances of being drafted. Three major reforms, all of which are interrelated, were (1) the abolition of some categories of deferments, particularly student deferments, resulting in fewer reasons to excuse a man from service; (2) the use of a lottery based on birth dates to determine the order in which men would be called, and (3) reducing a man's period of prime vulnerability for the draft to the year in which he turns 20, with his risk of being drafted steadily decreasing after that year.



BEST COPY AVAILABLE

General induction authority expired in 1973, and the Selective Service System was placed in standby. Thereafter, its role was one of planning and training to provide backup to the all-volunteer armed force which was established as a result of recommendations made in 1970 by a Presidential commission. In 1975 registration was suspended, and in 1976 the state and local offices of the Selective Service System were closed.

By 1978 the Selective Service System had been reduced to the point where there was serious concern that it might not be able to fulfill its mission of providing manpower in an emergency. A number of revitalization actions were begun to improve the System's capabilities, and while these actions were under way President Carter announced his intention to resume registration. In July 1980, the requirement for men to register with Selective Service was resumed. Men now register within 30 days of their 18th birthday. With very few exceptions, all males in the U.S.—both citizens and noncitizens—are required to register.

# Summary of Important Teaching Points

1. During the Civil War, both the North and the South used a conscription system controlled by the military with no local civilian involvment in the process.

2. Local boards composed of civilians were first used during World War I to decide who should be deferred or exempted from service.

3. The first peacetime draft in the U.S. came in 1940, over a year before U.S. entry into World War II.

4. In the early 1970s, there were three major reforms in draft procedures. They were the lottery, the abolition of widespread deferments, and the establishment of a single year of prime draft eligibility.

5. Even though the draft ended in 1973, the Selective Service System remains responsible for supporting the volunteer armed force in an emergency. Peacetime registration guarantees the ability to respond quickly if an emergency makes it necessary for Congress to resume a draft.

# Questions and Answers

1. **Q: How was the Civil War draft different from the System developed later?**

   *A: The Civil War draft was operated by the military with no local civilian involvement, and men could avoid service by hiring a substitute. Beginning with the World War I draft, civilian local boards were established to decide who should be deferred or exempted from service.*

2. **Q: Is the draft used only in times of armed conflict?**

   *A: No. The first peacetime draft came in 1940, before U.S. involvement in World War II. There was also a peacetime draft before and after the Korean conflict and the draft remained active during U.S. involvement in Vietnam. At this time, however, the U.S. relies on volunteers for its armed forces.*

3. **Q: What is the mission of the Selective Service System when no draft is in effect?**

   *A: The Selective Service System administers the registration program and prepares to provide manpower to the armed forces if a national emergency makes it necessary for the draft to be reinstated.*

4. **Q: What are the three major reforms of the Selective Service process which make the draft more equitable?**

   *A: 1. The lottery;*
   *2. The abolition of widespread deferments;*
   *3. The establishment of a single year of prime vulnerability to the draft.*

# IV

# Organization and Functions of the Selective Service System

"If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued...the Selective Service System...shall, nevertheless, be maintained as an active standby organization...."

(Section 10[h], Military Selective Service Act)

## OBJECTIVES

The Selective Service System and the Department of Defense share the responsibility for maintaining the military manpower procurement capability. When the All-Volunteer Force was established in 1973, it was not intended to stand alone in time of an emergency. Current plans provide that in the event of an emergency, the armed forces would be augmented quickly by the National Guard and Reserves. The next level of augmentation would most likely be through the Selective Service System, which would begin classifying and ordering registrants to report to local Military Entrance Processing Stations (MEPS), where each registrant would be examined to determine his acceptability for military service.

The twofold mission of the Selective Service System is to provide manpower to the armed forces in response to requests made by the Department of Defense, and to develop and operate an Alternative Service Program for conscientious objectors. The Military Selective Service Act requires that the System be capable of immediate operation in the event of a national emergency.

## STRUCTURE

The Selective Service System is an independent agency within the Executive Branch of the Federal government. The Director of Selective Service is appointed by the President and confirmed by the Senate. The staff is primarily composed of civilians hired under the rules which apply to all Federal employees. There are also several active duty military officers and several hundred National Guard and Reserve officers assigned to the Selective Service System. In the event of an emergency, they would be called to active duty to augment the full-time staff.

Selective Service law provides that the System will include a State Headquarters in each state, territory or possession and in the District of Columbia; that Local Boards composed of civilians will be established for counties or corresponding political subdivisions; that there will be Appeal Boards for Federal Judicial Districts; and that a National Appeal Board will be established to act for the President as the highest level of appeal. Most of this structure is not operational when there is no draft, although Local and Appeal Board members and State Directors have been appointed and are trained in case they are needed.

At present, only the National Headquarters, three Region Headquarters, and the Data Management Center are operational. The remainder of the field structure would be required only in the event of a resumption of inductions. If Congress authorizes and the President directs a return to the draft, State Headquarters, Local and Appeal Boards, and area offices would open almost immediately.

# Summary of Important Teaching Points

1. The missions of the Selective Service System are to provide manpower to the armed forces in response to requests made by the Department of Defense, and to develop and operate an Alternative Service Program for conscientious objectors.

2. The Selective Service System is an independent agency within the Executive Branch of the Federal Government. It is not part of the Department of Defense.

3. An expanded field structure of the Selective Service System would be required if the draft is resumed.

# Questions and Answers

1. **Q: What is the mission of the Selective Service System?**

   *A: The twofold mission of the Selective Service System is to provide manpower to the armed forces in response to requests made by the Secretary of Defense, and to develop and operate an Alternative Service Program for conscientious objectors.*

2. **Q: Is the Selective Service System a part of the Department of Defense?**

   *A. No. It is an independent agency within the Executive Branch of the Federal government. It shares with the Department of Defense the responsibility for military manpower procurement. The Director of Selective Service reports directly to the President.*

3. **Q: What is the organizational structure of the Selective Service System?**

   *A: The Selective Service System has a National Headquarters, three Region Headquarters, a headquarters in each state, and one for New York City, the District of Columbia, Guam, Puerto Rico, the Virgin Islands and the Northern Mariana Islands. Local Boards are allocated to counties and corresponding political subdivisions. Appeal Boards cover the same areas as Federal judicial districts; a National Appeal Board is the highest level of appeal.*

4. **Q: Is the entire structure operational today?**

   *A: No. The boards and the state headquarters would be activated only if Congress should authorize a resumption of the draft, but the board members and State Directors have been appointed and trained.*

5. **Q: How is an adequate military force maintained?**

*A: The Department of Defense recruits volunteers for the All-Volunteer Force, which includes active and reserve forces. If necessary, Congress would authorize by law, and the President would direct the Selective Service System to augment these forces through a manpower draft in a national emergency.*

6. **Q: In the event of a national emergency, what is the order of call-up for military service?**

*A: Current plans provide that in the event of a national emergency, the active armed forces would first be augmented by the National Guard and Reserves; the next level of augmentation would most likely be draftees provided by the Selective Service System.*

# V

# Selective Service Classification

"The selection of persons for training and service...shall be made in an impartial manner, under such rules and regulations as the President may prescribe...."

[Section 5(a)(1), Military Selective Service Act]

Classification is the process of determining who is available for military service and who is postponed, deferred or exempted from such service. If there is a resumption of the draft, men would be classified, called in an order determined by lottery at which time they could file claims for postponements, deferments and exemptions.

One of the first steps taken in the event of a draft would be to conduct a lottery drawing using birth dates. The lottery would randomly assign sequence numbers to determine the order in which they would be called. Following the lottery, only those registrants whose 20th birthday falls within the calendar year and whose numbers were reached for induction would be classified 1-A (available for unrestricted military service). Induction orders would be issued at least 10 days prior to the scheduled induction date. The order would direct the registrant to report for examination and possible immediate induction. Information would also be included to explain the process of filing a claim for deferment or exemption.

Depending upon the emergency at hand, the examination and induction process resulting from the activation of the draft can vary. In the most likely scenarios, Congress and the President could initiate System processing with the intent of inducting the first draftees approximately six months later. Thus, given sufficient time, Selective Service may first call registrants for examination and classification only, with inductions occurring later, as needed by the Department of Defense.

A registrant ordered for induction in an emergency, or found acceptable for service after examination in the six month scenario, may file a claim for deferment or exemption by completing a request form and sending it to the address of the Selective Service office serving him. His induction will be delayed until his claim has been processed and resolved.

Only in the case of an extreme emergency or under circumstances beyond his control would a registrant be allowed to file a claim on or after the day he is scheduled to report for induction.

The following classification categories would be used:

**Class 1-C** Members of Armed Forces of the U.S., the National Oceanic and Atmospheric Administration, or the Public Health Service on active duty.

**Class 1-D-D** Members of Reserve Components (including the National Guard and advanced level ROTC cadets who have already signed a Reserve contract) are eligible for a separate classification and perform their military service in the National Guard or Reserves.

**Class 1-D-E** Exemption of certain members of a Reserve Component or student taking military training.

**Class 1-H** Registrant not currently subject to processing for induction or alternate service.

**Classes 1-O and 1-A-O** Conscientious objectors who may be called upon to perform service to the Nation in a manner consistent with their opposition to participation in war. Their beliefs must be religious, moral or ethical in nature, as opposed to those based solely on politics, expediency or self-interest.

Two classes are available for conscientious objectors depending upon the nature of a man's beliefs. Class 1-O is the man who is opposed to any participation in military service. If his claim is granted by the Board, he will be exempted from military training and service. After he has been examined and found qualified, or he has waived the examination, he may be assigned to perform alternative (civilian) service. He will serve for 24 months in a civilian job serving the national health, safety or interest, as defined by the Director of Selective Service.

Class 1-A-O is for the man who is opposed only to training and service in the armed forces that involve the use of weapons. If his claim is granted, he will be exempted only from combatant military training and service. This means that he will be assigned noncombatant military duties. He will receive no weapons training and will serve his military requirement in a noncombatant capacity.

*A registrant ordered for induction in an emergency, or found acceptable for service after examination in the six month scenario, may file a claim for deferment or exemption by completing a request form and sending it to the address of the Selective Service office serving him.*

**Class 1-O-S** Any registrant who has been separated from the armed forces (including Reserve Components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the armed forces.

**Class 2-D** Ministerial students in a recognized theological or divinity school are deferred from service until they complete their studies.

**Class 3-A** Hardship deferments are available for men whose induction would result in hardship to persons who depend upon them for support. A registrant may be granted a hardship deferment when: (1) induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or (2) deferment is advisable because his child, parent, grandparent, brother or sister are dependent upon him for support. Hardship deferments granted for any of the reasons identified will not be extended for longer than 365 days unless eligibility for deferment is reestablished.

**Class 3-A-S** Registrant who has been separated from active military service because of dependency or hardship.

**Class 4-A** Veterans generally are exempt from service in peacetime.

**Class 4-A-A** Registrant who has performed military service for a foreign nation.

**Class 4-B** Certain elected officials, such as the Vice President of the United States and Members of Congress, are exempt from service as long as they continue to hold office.

**Class 4-C** Aliens and dual nationals, in some cases, may be exempt from U.S. military service depending upon their place of residence, country of citizenship, or length of residence in the United States.

**Class 4-D** Ministers who preach and teach as their customary vocation may be exempted from service.

**Class 4-F** Assigned to those found physically, mentally or morally unacceptable for military training or service.

**Class 4-G** Exempt as a surviving son or brother in a family where the father, mother, brother, or sister died as a result of U.S. military service, or is in a captured or missing-in-action status. In a congressionally declared war, this exemption is not available.

**Class 4-T** Alien who is exempt from military service under the terms of a treaty of international agreement between the United States and the country of which he is a national.

Those registrants who are not deferred or exempt are considered to be available for military service (1-A). The Department of Defense sets the standards of acceptability for military service and conducts the examinations to determine who is physically, mentally and morally fit for military service.

A person would be most vulnerable for any resumed draft during the calendar year in which he turns 20. The next year, he drops into a lower priority, and each succeeding year he continues to drop into lower priority groups until he is over the age of liability for the draft. The lowest priority groups would contain those men who are 18 and will reach age 19 during the calendar year. These two groups would be called only in an extreme manpower shortage. Under present law, a man's liability for the draft expires on January 1 of the year he will reach age 26 unless he has been deferred from service. Classification into any of the deferred categories extends his liability for induction to age 35.

See Chapter VII for student postponements.

# Summary of Important Teaching Points

1. Classification is the process of determining who is available for military service and who should be deferred or exempted.

2. The Department of Defense sets the standards of acceptability for military service and conducts the examinations.

3. A registrant could file a claim for a deferment or exemption only after he received an order to report for induction in an emergency draft, or after being found acceptable for service upon examination in a "six-month" draft scenario.

4. A person would be in the highest priority group for any resumption of the draft during the calendar year in which he turns 20.

# Questions and Answers

1. **Q: When is a registrant initially classified by Selective Service?**

   *A: When his lottery number is reached for examination or induction, assuming his 20th birthday falls within that calendar year.*

2. **Q: What if a registrant believes he is entitled to reclassification?**

   *A: A registrant who has been ordered for induction or found acceptable for military service by a pre-induction exam, may request a deferment or exemption by completing a request form and sending it to the Selective Service office serving him. His induction will be delayed until his claim has been processed and decided.*

3. **Q: What is a conscientious objector?**

   *A: A conscientious objector is someone classified by the Selective Service System as having deeply held religious, moral, or ethical beliefs against participation in war.*

4. **Q: Can a registrant claim conscientious objector status not based on religious training or belief?**

   *A: Yes. His claim can be based on personal beliefs that are ethical or moral.*

5. **Q: Is a conscientious objector completely excused from military or other public service in deference to his beliefs?**

*A: The law provides that conscientious objectors, depending upon the nature of their beliefs, may be required to serve in noncombatant military roles, or may perform civilian alternative service in the national health, safety or interest, in lieu of duty in the armed forces.*

6. **Q: When is a registrant most likely to be drafted if the draft is reinstituted by Congress and the President?**

*A: During the calendar year he turns age 20.*

# VI

## Local And Appeal Boards - Duties and Responsibilities

"The President is authorized...to create and establish within the Selective Service System civilian Local Boards, civilian Appeal Boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions..."

[Section 10(b)(3), Military Selective Service Act]

Even though there is no plan to draft anyone into military service at present, there is a need to have a system at the ready in case a national emergency necessitates such action.

With the President's call to resume registration in 1980 came a revitalization of the Selective Service System, including the Local and Appeal Boards that will be activated in the event of a return to a draft. The boards will decide claims for certain classifications. Although board members have been appointed and trained, the boards are now inactive until the inductions are resumed.

No board member will be allowed to act upon his own case or the case of a registrant who is a close relative, or where the relationship of business or employment exists. In such cases, if the board cannot act, the file will be transferred to another board for a decision.

### TRAINING PROGRAMS

The integrity of the Selective Service System will depend in large measure on a fair and effective classification process conducted by highly able, trusted and objective leaders in local communities. Selective Service realizes that no matter how competent, respected, or well-intentioned they may be, board members must be aware of the law and regulations pertaining to the Selective Service System. Accordingly, each appointee to a board position receives formal training.

The initial training program consists of approximately 12 hours of instruction, over a two-day period, focusing primarily on: (1) an intensive orientation to the Selective Service System, including some historical perspective; (2) major duties and responsibilities of Local Board members; and (3) procedures to be followed by the Local Board. Each board member

is issued a training manual that includes separate sections on instruction, Selective Service procedures, and related documentation.

In addition to conducting the orientation training program described, the Selective Service System conducts continuation training for its boards on a regular basis. The primary goals of this training are: (1) to maintain a state of readiness of board members to perform their jobs; (2) to keep board members current regarding any changes in the law, regulations, responsibilities and related agency policies and procedures; and (3) to enhance board members' skills, on a continuing basis.

*Board members must be at least 18-years of age, citizens of the United States, and residents of the area served by the board.*

## LOCAL BOARDS

Local Board jurisdictions are based on counties or corresponding political subdivisions, although in larger cities there may be more than one board, and in sparsely populated areas a board may serve several counties. Board members, who serve without pay, will make judgments about certain registrant claims for deferments or exemption from military service if a draft is resumed. In fact, Local Board members are the only officials permitted to make initial decisions about claims of conscientious objection, hardship and religious ministry. Local Boards will also review claims denied by the Selective Service System area offices for other classifications or student postponements if a registrant requests a review.

Board members must be at least 18-years of age, citizens of the United States, and residents of the area served by the board. They may not be members of the armed forces, either active, reserve or retired. The Director of Selective Service, acting on behalf of the President, appoints local board members upon recommendation of the state governors or comparable executive officials. To the maximum extent possible, the membership on each board reflects the ethnic composition of the registrants within its jurisdiction.

## APPEAL BOARDS

District Appeal Board areas correspond to Federal judicial districts. The board members are appointed by the President and serve without compensation. They must be U.S. citizens and residents of the area for which the respective Appeal Board has jurisdiction. They may not be members of the armed forces, either active, reserve or retired.

A District Appeal Board reviews and affirms or changes any decision appealed to it from any Local Board in its area, or any decision appealed from any Local Board not in its area which has been transferred from another Appeal Board. This responsibility is discharged during formal meetings of the members of the board.

If a claim for classification is denied by the District Appeal Board, and one or more members of the Appeal Board dissents from the classification assigned, the registrant may appeal to the President. An appeal to the President will be determined by the National Appeal Board. There is no administrative appeal from the decision of the National Appeal Board.

# Summary of Important Teaching Points

1. The Boards remain inactive until a draft is resumed.

2. Board members will decide claims made by registrants and must be prepared to examine evidence, and in some cases, interview registrants and their witnesses about the claim.

3. All board members receive training in Selective Service law, regulations, and procedures, so their decisions will be as fair as possible.

4. Registrants can appeal decisions of the Local Board to the District Appeal Board. If the District Appeal Board's decision is not unanimous, the registrant can appeal to the National Appeal Board.

# Questions and Answers

1. **Q: What classification actions are taken by the Local Board?**

   *A: The Local Board takes action on claims for conscientious objection, hardship and religious ministry. In addition, the Local Board will review claims for other classifications or student postponements that were denied by the area office should a registrant request such a review.*

2. **Q: How are Local Board members trained to make classification decisions?**

   *A. Local Board members participate in formal training upon appointment and also in continuation training. Each member is issued a training manual that includes Selective Service procedures as governed by the Military Selective Service Act.*

3. **Q: Can a registrant appeal a unanimous vote by the Local Board to deny a claim for reclassification?**

   *A: Any denial of a judgmental classification by the Local Board may be appealed to the District Appeal Board. Denials of administrative classifications may be appealed if the vote was not unanimous.*

4. **Q: Under what circumstances may the decision of the District Appeal Board be appealed?**

   *A: An appeal may be made to the President from any decision of a District Appeal Board which is not unanimous. The appeal will be determined by the National Appeal Board.*

5. **Q: May the decision of the National Appeal Board be appealed?**

   *A: No. The decision of the National Appeal Board is final; there is no administrative appeal.*

# VII

## Selective Service System Claim and Appeal Process

"It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a Local or Appeal Board, a fair hearing consistent with the informal and expeditious processing which is required by Selective Service cases."

[Section 22(a), Military Selective Service Act]

In the event of a resumption of inductions, a lottery based on birth dates would be conducted by the Selective Service System. Orders for examination and/or induction would then be sent to registrants in a sequence determined by lottery. It is anticipated that registrants would first be ordered to report for examination to determine if they are physically, mentally, and morally acceptable for military service. If found acceptable, men with low lottery numbers could receive induction orders shortly thereafter. If found acceptable for military service at a pre-induction examination (classified 1-A), registrants may request a postponement, exemption or deferment by filing a claim with Selective Service. If a registrant files a claim, further induction processing is suspended until his claim has been fully resolved. In a crisis situation, when time is not available for pre-induction examinations, registrants can file claims for deferments, exemptions or postponements after receipt of an order to report for induction.

There are two types of claims for classification: administrative and judgmental.

A man's eligibility for administrative classifications is determined by personnel at the Selective Service area office. These classifications are given to registrants who meet the criteria established for them. To get an administrative classification a registrant does not require witnesses or need to make a personal appearance.

The following individuals are eligible for administrative classifications:

- Members on active duty in the armed forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service;

- Registrants who are members of the National Guard or Reserves, or students taking military training (e.g., ROTC);
- Veterans;
- Specified public officials;
- Dual nationals and certain aliens;
- Registrants whose father, mother, brother, or sister died while serving in the armed forces, or whose father, mother, brother or sister is missing in action. The present law provides for this exemption only in peacetime; and
- Treaty aliens.

Judgmental classifications require, as their name implies, that a judgment be made by the Local Board. The board must evaluate the registrant's claim on an individual basis, applying the rules and regulations established by law, balancing the needs of community, and the registrant's particular situation.

The following individuals are eligible for judgmental classifications:

- Conscientious objectors to both combat and noncombatant military training and service;
- Conscientious objectors to combatant military training and service only;
- Registrants whose induction would cause hardship to others;
- Ministers of religion; and
- Students preparing for the ministry.

In these categories, the registrant must file a claim and present supporting proof to show he meets the qualifications of that specific classification.

*It will not be necessary for the registrant to submit supporting evidence of his claim for deferment or exemption at the same time he submits the request form.*

It will not be necessary for the registrant to submit supporting evidence of his claim for deferment or exemption at the same time he submits the request form. Once the form has been received by the area office, the registrant will be sent a letter of acknowledgment. The letter will contain a request for more information or proof that the registrant must obtain to substantiate the claim. It may also include:

1. The date by which he must send proof of the claims he has made;

2. Whether he must appear before the Local Board;

3. Other information and instructions necessary for reviewing his claim.

If a registrant is making a claim for conscientious objector status, he *must* appear before the board. In other cases, personal appearance is optional. No one else may take the registrant's place and present his

case; however, he may have witnesses to reinforce his claim and may have someone present to advise him during the proceedings.

The registrant will be ordered to report for examination prior to processing his claim for a judgmental classification. A registrant who has filed a claim for Class 1-O may request and receive a waiver of this examination. This examination is for the purpose of determining his physical, mental and moral acceptability only. If he determined to be physically, mentally or morally unacceptable, his claim for reclassification will be processed and his 1-A classification will be changed to 4-F. He will not be available for military training and service as long as he is in Class 4-F. If he is found to be physically, mentally and morally acceptable, his claim will be decided on the basis of the evidence he provides in support of it.

A registrant automatically gets his induction delayed if he files a claim for reclassification. A decision on his claim will be made by the Selective Service area office or by the Local Board. He will be told, in writing, of the decision. If the claim is denied, the letter will also give the reasons for denial and set forth any further appeal rights he may have. If he does not appeal, the decision becomes final and, in an emergency, he will be assigned a new induction date, or he will be retained in Class 1-A and issued an induction order shortly thereafter.

If the area office denied a claim for an administrative classification, the registrant may request a review of the denial by the Local Board. If the Local Board denies the administrative classification upon review, and if the vote is not unanimous, the registrant may appeal to the District Appeal Board. Any Local Board denial of a judgmental claim, even if the vote is unanimous, may be appealed to the District Appeal Board. All non-unanimous decisions of the District Appeal Board may be appealed to the National Appeal Board.

A high school student can have his induction postponed until he graduates or reaches age 20, or, if he is in his last academic year, until he completes it, even if he has reached age 20. College students can be postponed until the end of the semester; college seniors, until the end of the academic year. A registrant is also entitled to a postponement if he has an emergency beyond his control, such as a serious illness or death in his immediate family. Other postponements are available for certain circumstances, i.e., religious holidays, national examinations, etc. If the registrant receives a postponement, he remains in Class 1-A. When the postponement ends, he receives a new reporting date for induction.

# Summary of Important Teaching Points

1. The claim and appeal process is activated only after Congress by law has given the President the authority to induct men into the armed forces.

2. A claim may be filed only after receipt of an induction order.

3. There are two types of classifications: administrative and judgmental.

4. Claims for conscientious objectors require appearance before a Local Board.

5. The board must notify the claimant in writing of its decision, and, if his claim is denied, the board will state its reasons for the denial.

# Questions and Answers

1. **Q: What are the two categories of classification decisions for claims for deferment or exemption from military service?**

   *A: The two categories are "administrative" and "judgmental."*

2. **Q: Who acts on administrative claims?**

   *A: Personnel at the Selective Service area office act on administrative claims, based on documents submitted by the registrant.*

3. **Q: Who acts on judgmental claims?**

   *A: The Local Board decides judgmental claims, and also considers appeals of administrative claims denied by the area office when requested to do so by the registrant.*

4. **Q: When can a registrant file a claim for postponement or reclassification?**

   *A: In a crisis, a registrant can file a claim only after he receives an order to report for induction and prior to the day he is scheduled to report for induction. If the Selective Service System has time to conduct pre-induction examinations, a registrant may file a claim after being found acceptable for military service and being classified 1-A.*

5. **Q: If the registrant is granted a postponement, does his 1-A classification change?**

   *A: No. The registrant remains in Class 1-A and is issued a new date to report for induction at the expiration of the postponement.*

6. **Q: Does a registrant filing a conscientious objection claim appear before the local board?**

   *A: Yes. In order for the Local Board to judge the sincerity of the conscientious objector's claim, the registrant is required to make a personal appearance before the Local Board.*

# Glossary

**Administrative Classifications:** Classifications based on submissions of supporting documents which are decided by the area office. These classifications are for the following: members of the armed forces, reservists or cadets, veterans, certain elected officials deferred by law, aliens or dual nationals, registrants not qualified for military service, surviving sons/brothers of military personnel who die in the line of duty or are missing in action, and treaty aliens.

**Aliens**: Persons who are not citizens or nationals of the United States. Immigrant aliens are subject to the draft; nonimmigrants are not.

**Alternative Service:** Civilian work, in lieu of induction, contributing to the maintenance of the national health, safety or interest. Alternative Service will be performed by conscientious objectors who object to both noncombatant and combatant military training and service.

**Area Office:** The office of the Selective Service System responsible for administrative and operational support of one or more Local Boards within its jurisdiction.

**Board Meeting:** The scheduled meeting of a Local or Appeal Board where claims are deliberated and decided and where registrants who requested or are required to appear in person are interviewed.

**Classification:** The act of placing an individual in a certain category that determines his status with respect to the draft—available, deferred or exempted—or the category itself.

**Conscientious Objector:** A person who objects sincerely to participation in combatant military training and service, or to both combatant and noncombatant military training and service, as a result of moral, ethical or religious training and belief, and is so classified by the Selective Service System.

**Conscription:** Compulsory military service.

**Deferment:** A delay in induction as a result of a reclassification into a classification that extends the registrant's liability past age 25. A deferment will have an expiration date. No deferment will continue after the cause for it ceases to exist.

**District Appeal Board:** A group of not less than three civilian board members appointed by the Director of Selective Service, acting on behalf of the President to classify registrants whose cases have been appealed to it from a Local Board decision.

**Divinity Student:** A person who is preparing for the ministry under the direction of a recognized church or religious organization and is enrolled in a recognized theological or divinity school. Such a person is eligible for a deferment.

**Draft:** The selection and processing of persons for military service. Common term for the Selective Service process.

**Exemption:** A result of reclassification into a class that is not subject to induction, and does not extend the registrant's liability beyond age 25.

**Induction**: The act of entering the armed forces through the draft, as opposed to voluntary enlistment.

**Judgmental Classification:** Classifications based on a judgment made by a Local Board whereby the board evaluates the registrant's claim on an individual basis, applying rules and regulations and balancing the needs of the community and the registrant's particular situation.

**Local Board:** A group of not less than three unpaid civilians who volunteer to assist Selective Service in deciding claims for reclassification. They are recommended by the governor and appointed by the Director

of Selective Service on behalf of the President and trained for their duties.

**Lottery:** Common name for the random selection drawing assigning an order of call to registrants based on birth dates.

**Ministerial Students:** See Divinity Student.

**Minister:** A person who is ordained or recognized by a church or religious organization to preach, teach, administer the rites of religion, and who is actually engaged in practice of the ministry as his customary vocation. Ministers are exempt from the draft.

**National Appeal Board:** A civilian board appointed by the President of the United States to decide cases that are appealed after they have been heard and denied by the District Appeal Boards. Sometimes referred to as the Presidential Appeal Board.

**Postponement:** A temporary delay of a registrant's reporting date. A postponement does not change the registrant's classification.

**Random Sequence Number:** A number established by a lottery drawing for each date of birth in a given year to determine the sequence in which registrants born during that year are to be selected for induction.

**Registrant:** Each person who has registered with the Selective Service System as required by Federal law.

**Reservist:** A person belonging to a reserve component of one of the military services. Such persons are deferred from induction and perform their service with their reserve unit.

**Selective Service Reserve Force Officers (RFOs):** Members of the National Guard or military reserve units assigned to augment the Selective Service System.

**Student Postponement:** Delay of induction of full-time students who are making satisfactory progress in a course of study until they complete their current academic session (i.e., quarter or semester). College seniors may get a postponement until they graduate. High school students may be postponed until their 20th birthday or until they graduate, even if they are 20 but are in their last academic year.

**Surviving Son or Brother:** A person whose father, mother, brother or sister was killed in action, died in line of duty, or died later as a result of disease or injury incurred in line of duty, while serving in the armed forces, or is captured or missing in action. Such persons are exempt from the draft except in a period of war or national emergency declared by the Congress.

# Sources and Additional Reading

The law under which the Selective Service System operates is the Military Selective Service Act. (Act of June 24, 1948, c. 625, 62 Stat. 604, as amended; 50 U.S.C. App. 451 *et seq.*). Selective Service Regulations are contained in Chapter XVI of Title 32 of the Code of Federal Regulations (32 CFR Chapter XVI).

The periodic reports of the Director of Selective Service to the Congress, published annually from 1948 to 1967 and semiannually thereafter until the resumption of annual reporting for FY 1989, discuss the current activities of the Agency. These reports are usually available in the government documents section of major libraries. Detailed information concerning current Selective Service procedures is available from the Selective Service's Office of Public and Congressional Affairs.

Following is a list of books dealing with various aspects of Selective Service and the draft during various periods of history. This is only a partial listing and is not meant as a definitive bibliography, nor as an endorsement for any of the publications.


Baskir, Lawrence M. and Strauss, William A., Chance and Circumstance: The Draft, The War and The Vietnam Generation. New York: Vintage Books, 1978.

Berryman, Sue E., Who Serves? The Persistent Myth of the Underclass Army. Boulder, Colo.: Westview Press, 1988.

Carper, Jean, Bitter Greetings: The Scandal of the Military Draft. New York: Grossman Publishers, 1967.

Chambers, John Whiteclay II, To Raise an Army--The Draft Comes to Modern America. The Free Press, McMillan, Inc., NY, NY, 1987.

Clifford, J. Garry and Spencer, Samuel R., Jr., The First Peacetime Draft. Lawrence, Kan.: The University Press Of Kansas, 1986.

Davis, James W., Jr. and Dolbeare, Kenneth M., Little Groups of Neighbors. Chicago: Markham Publishing Co., 1968.

Fitzpatrick, Edward A., Conscription and America. Milwaukee, Wis.: Richard Publishing Co., 1940.

Flynn, George Q., Lewis B. Hershey, Mr. Selective Service. Chapel Hill: University of North Carolina Press, 1985.

Flynn, George Q., The Draft, 1940 - 1973. Lawrence, Kansas: University Press of Kansas, 1993.

Gates, Thomas S., chairman, The Report of the President's Commission on an All-Volunteer Armed Force. Washington, D.C.: U.S. Government Printing Office, 1970.

Harwood, Michael, The Student's Guide to Military Service. New York: Bantam Books, 1965.

Jacobs, Clyde E. and Gallagher, John F. The Selective Service Act: A Case Study of the Governmental Process. New York: Dodd, Mead & Co., 1967.

Kendall, David E. and Ross, Leonard, The Lottery and the Draft: Where Do I Stand? New York: Harper & Row, 1970.

Leach, Jack Franklin, Conscription in the United States: Historical Background. Rutland, Vt.: Charles E. Tuttle Publishing Co., 1952.

Leinwand, Gerald, The Draft. New York: Pocket Books, 1970.

Magruder, Carter B., chairman. Report of the Task Force on the Structure of the Selective Service System. Washington, D.C.: U.S. Government Printing Office, 1967.

Marmion, Harry A., The Case Against a Volunteer Army. Chicago, Quadrangle Books, 1971.

Marmion, Harry A., Selective Service: Conflict and Compromise, 1968.

Marshall, Burke, chairman. In Pursuit of Equity: Who Serves When Not All Serve? Report of the National Advisory Commission on Selective Service. Washington, D.C.: U.S. Government Printing Office, 1967.

National Manpower Conference, Student Deferment and National Manpower Policy. New York: Columbia University Press, 1952.

National Security Training Commission, Universal Military Training: Foundation of Enduring National Strength. Washington, D.C.: U.S. Government Printing Office, 1951.

Sanders, Jacquin, The Draft and the Vietnam War. New York: Walker & Co., 1966.

Shapiro, Andrew O. and Striker, John M., Mastering the Draft--A Comprehensive Guide for Solving Draft Problems. Boston: Little, Brown & Co., 1970.

Suttler, David, IV-F: A Guide to Medical, Psychiatric, and Moral Unfitness Standards for Military Induction. New York: Grove Press, 1970.

Tatum, Arlo and Tuchinsky, Joseph S., Guide to the Draft, 3rd edition, revised. Boston: Beacon Press, 1972.

Tax, Sol, editor, The Draft: A Handbook of Facts and Alternatives. The University of Chicago Press, 1967.

Trytten, M.H., Student Deferment in Selective Service. Minneapolis: University of Minnesota Press, 1952.

Oh, all guys must register when they're 18! Well, that makes much more sense. I mean, our entire life span is only 6 weeks.

Selective Service System
National Headquarters
1515 Wilson Boulevard
Arlington, Virginia 22209-2425



BEST COPY AVAILABLE